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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION**

DIANE KILLIAN ALLAN,

Plaintiff,

v.

DANE HANSON, ERIC JOHNSEN,
WAYNE HANSEN, DAVID COLE, TROY
RAWLINGS, JOHN CARL YNCHAUSTI,
FARMINGTON CITY a corporation; and
DAVIS COUNTY JUSTICE COURT dba
DAVIS COUNTY a corporation,

Defendants.

DECLARATION OF CURTIS KOCH

Case No. 1:22-CV-00117

Judge Cecilia M. Romero

Pursuant to 28 U.S.C. §1746 I, Curtis Koch, hereby submit this *Declaration* to the above-captioned Court, and further state that the facts set forth herein are based upon my personal knowledge:

1. I am currently, and have been since January of 2015, the Clerk/Auditor of Davis County, Utah.

2. As Clerk/Auditor part of my duties include accepting service, on behalf of Davis County, of *Notices of Claim* submitted pursuant to the *Governmental Immunity Act of Utah*.¹

3. By statute, I have been designated as the person upon whom such *Notices of Claim* are to be served.²

4. Within the Clerk/Auditor's Office, Deputy Clerk/Auditor Shairise Bills is charged with filing/recording all *Notices of Claim* that my Office receives from or on behalf of persons who are seeking to comply with the notice requirements of the *Governmental Immunity Act of Utah*.

5. Ms. Bills keeps by calendar year, every *Notice of Claim* that is filed with my Office. Consequently, those filings can be manually searched for a particular *Notice of Claim* filed during any given calendar year.

6. Ms. Bills also digitizes those *Notices of Claim*, which means that those computer files can also be searched for a particular *Notice of Claim*.

7. For as long as I have been the Clerk/Auditor, Neal Geddes, a Deputy Davis County Attorney, has been in charge of administering, monitoring and responding to all *Notices of Claim* that have been filed with my Office.

8. For as long as I have been the Clerk/Auditor, it has been my practice to direct that an e-mail be sent to Mr. Geddes with a copy of each *Notice of Claim* that has

¹ U.C.A. §§63G-7-101 *et. seq.*

² See <https://db.corporations.utah.gov/gia/>

been received by my Office.

9. My office staff also saves/retains all e-mails wherein the Clerk/Auditor's Office has forwarded a copy of a *Notice of Claim* to Mr. Geddes.

10. I recently tasked Ms. Bills with doing both a manual search of my Office's *Governmental Immunity Act* paper files for the calendar year 2022 and a computer search of my Office's *Governmental Immunity Act* records for a *Notice of Claim* filed by or on behalf of Diane Killan Allan.

11. Ms. Bills was unable to locate any such *Notice of Claim* in our paper files or computer records.

12. I personally performed a search of my Office's paper files for the year 2022, and computer records for any *Notice of Claim* or *Notices of Claim* filed by or on behalf of Diane Kilan Allan, which was the same search that I had tasked Ms. Bills with performing and I, too, did not find any such *Notice of Claim* or *Notices of Claim*.

13. I also searched my e-mails for any evidence that I had forwarded to Mr. Geddes a *Notice of Claim* involving Diane Killan Allan, but did not find any such e-mail.

14. Based upon the searches that I asked Ms. Bills to perform of my Office's records, both paper files and computer records, and the same searches that I personally performed, I can state without any qualification that no *Notice of Claim* was filed with my Office by or on behalf of Diane Killan Allan.

15. Pursuant to the laws of the United States and the State of Utah, I verify, certify and declare under penalty of perjury that the facts set forth above are true and correct.

Executed in Farmington, Utah on this 19th day of October, 2022.

CURTIS KOCH

Clerk/Auditor
Davis County, Utah